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North America, Inc.*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SMITH & WESSON BRANDS, INC.,
SMITH & WESSON, INC.,

Plaintiffs,

vs.

SW NORTH AMERICA, INC.,

Defendant.

Case No. 2:22-cv-01773-JCM-EJY

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

[SEVENTH REQUEST]

AND ALL RELATED CLAIMS

Pursuant to LR IA 6-1, LR 7-1, and LR 26-3, Plaintiffs SMITH & WESSON BRANDS, INC. and SMITH & WESSON, INC. (“Plaintiffs”) and Defendant SW NORTH AMERICA, INC. (“Defendant”), by and through their respective counsel, stipulate to extend the dates set forth in Stipulation and Order to Extend Discovery Deadlines [ECF No. 82] by sixty (60) days, up to and including *October 11, 2024*. This stipulation is the parties’ seventh requested extension of dates. In support of this stipulation and request, the parties state as follows:

1 **A. DISCOVERY COMPLETED**

2 Plaintiffs' Initial Disclosures were served on January 31, 2023.

3 Defendant's Initial Disclosures also were served on January 31, 2023.

4 On March 15, 2023, Plaintiffs served a First Set of Interrogatories and a First Set of Requests
5 for Production. Defendant served Objections and Answers to Plaintiffs' First Set of Interrogatories,
6 Objections and Responses to Plaintiffs' First Set of Requests for Production, and a Privilege Log on
7 May 8, 2023.

8 On April 5, 2023, Defendant served a First Set of Interrogatories to Plaintiff Smith &
9 Wesson, Inc., a First Set of Interrogatories to Plaintiff Smith & Wesson Brands, Inc., and a First Set
10 of Requests for Production to Plaintiffs. Plaintiffs served Responses and Objections to Defendant's
11 First Set of Interrogatories to Plaintiff Smith & Wesson, Inc., Responses and Objections to
12 Defendant's First Set of Interrogatories to Plaintiff Smith & Wesson Brands, Inc., and Responses
13 and Objections to Defendant's First Set of Requests for Production to Plaintiff on May 31, 2023.

14 Pursuant to a June 5, 2023 Order [ECF No. 62] granting the parties' Joint Motion for Partial
15 Stay of Discovery [ECF No. 61], expert discovery and all depositions were stayed pending the
16 Court's resolution of Defendant's Motion to Dismiss [ECF No. 52]. The Order resolving the Motion
17 to Dismiss was entered July 5, 2023 [ECF No. 63]. Since that time, counsel for the parties have met
18 and conferred regarding the parties' respective written discovery responses and document
19 productions. Those meetings led to settlement discussions between the parties, which as discussed
20 below, have significantly progressed.

21 **B. DISCOVERY THAT REMAINS TO BE COMPLETED**

22 Initial and rebuttal expert witness disclosures and depositions.

23 Party and percipient witness depositions.

24 Additional written discovery.

25 Third-party subpoenas.

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1 **C. REASONS WHY ADDITIONAL TIME IS NEEDED**

2 As set forth in prior stipulations, the parties have continued to engage in settlement
 3 negotiations, exchanging multiple draft settlement term sheets. The settlement process has taken
 4 longer than initially anticipated due to: (1) the complexity of the issues which the parties are
 5 attempting to resolve; (2) the fact that Defendant is a licensee of certain trademarks at issue in this
 6 case, with the licensor being Defendant's parent company located in Germany. Certain proposed
 7 settlement terms require consultation with the German parent company/licensor; and (3) certain
 8 proposed settlement terms require due diligence by Defendant to ensure, *inter alia*, that in resolving
 9 its dispute with Plaintiffs, Defendant will not encounter new trademark issues with other non-parties.

10 Counsel for the parties have remained in regular contact throughout the negotiation process,
 11 on May 23, 2024, counsel for Plaintiffs sent a proposed final settlement term sheet, and on May 24,
 12 2024, counsel for the parties spoke by phone to discuss minor clarifications to the settlement term
 13 sheet. Within the next 7-10 days, the parties should know whether a settlement in principle will be
 14 reached, at which point they can prepare a written settlement agreement, or if it will be necessary to
 15 resume the litigation of the claims in this matter. As such, this request for an extension of time is
 16 not sought for delay or any other improper purpose. Rather, the parties seek this extension solely to
 17 allow sufficient time for settlement negotiations or, if necessary, to complete discovery and prepare
 18 their respective cases for trial. The parties respectfully submit that the reasons set forth above
 19 constitute good cause, and to the extent applicable excusable neglect¹, for the requested extension.

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 27 ¹ The current deadline for initial expert disclosures is June 11, 2024. To avoid potentially
 28 unnecessary expert expenses, the parties have focused their efforts on continued settlement
 discussions. At this juncture, expert disclosures by June 11, 2024 are not feasible.

The following is a list of the current discovery deadlines and the parties' proposed extended deadlines:

Scheduled Event	Current Deadline	Proposed Deadline
Amend Pleadings or Add Parties	<i>May 15, 2023</i>	<i>Closed</i>
Expert Disclosure pursuant to FRCP 26 (a)(2)	<i>June 11, 2024</i>	<i>August 12, 2024</i>
Rebuttal Expert Disclosure pursuant to FRCP 26(a)(2)	<i>July 12, 2024</i>	<i>September 13, 2024</i>
Discovery Cut-off	<i>August 12, 2024</i>	<i>October 11, 2024</i>
Dispositive Motions	<i>September 10, 2024</i>	<i>November 12, 2024</i>
Pretrial Order ²	<i>October 11, 2024</i>	<i>December 13, 2024</i>

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² In the event that dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until 30 days after decision on the dispositive motions or until further order of the Court. The disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections to them must be included in the joint pretrial order.

WHEREFORE, the parties respectfully request that this Court extend the discovery period by sixty (60) days from the current deadline of August 12, 2024 up to and including October 11, 2024, and the other dates as outlined in accordance with the table above.

Dated: May 29, 2024

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Dated: May 29, 2024

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ORDER

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: May 29, 2024